

Town Board Minutes

Meeting No. 4

Regular Meeting

February 3, 1997

MEETINGS TO DATE 4
NO. OF REGULARS 3
NO. OF SPECIALS 1

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LANCASTER, NEW YORK
FEBRUARY 3, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 3rd day of February 1997 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Malone, Earl, 4811 William Street, spoke to the Town Board on the following matter:
Expressed opposition to the location of a cellular tower off Penora Street south of William Street.

Lang, Milton, 64 Stony Road, spoke to the Town Board on the following matter:
A developer trespassing on his property and destroying his back lot line survey stakes.

Braun, Mel, 5984 Genesee Street, spoke to the Town Board on the following matter:
A traffic study for a proposed senior housing project by the AHEPA Group, off North Maple Drive.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:
1. The necessity for surveys for the three junkyards on Ransom Road.
2. The economic impact of the Tops Market Distribution Center project.

Ciccarelli, Carmen, 809 Erie Street, spoke to the Town Board on the following matter:
A former neighbor of Roy Schneggenburger, 81 Stony Road, commented on Roy's drainage problem.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:
1. Agreements for cellular communication towers.
2. A surface water drainage problem on his property.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

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At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of George O'Neil, the owner of property located on the north side of Nichter Road, east of Cemetery Road and west of Pavement Road, in the Town of Lancaster, New York for a rezone of said property from an AR-Agricultural-Residential District, to a MFR-3, Multi-family District Three.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

George O'Neil, the petitioner

OPPONENTS

None

COMMENTS & QUESTIONS

Gloria Kubicki, 15 Maple Drive

Anthony Majkowski, 71 Nichter Road

Ron Krzanowicz, 145 Nichter Road

David Sanger, 72 Nichter Road

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:05 P.M.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 9:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Marrano/Marc Equity Corporation, the contract vendee of property located on the north side of Walden Avenue (Trentwood Trail Extension), east of Seneca Place in the Town of Lancaster, New York for the rezone of said property from a R-1, Residential District One, to a R-2, Residential District Two.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

David De Paolo, Vice President of Marrano/Marc Equity

OPPONENTS

Art Wander, 9 Broadmore Court

Roy Schneggenburger, 87 Stony Road

Mark Schmitkons, 11 Broadmore Court

Joseph Polak, 83 Newberry Lane

Donald Symer, 610 Columbia Avenue

Duane Laufer, 12 Traceway

David Jernigan, 11 Bridgewater Court

Donna Fatz, 9 Trentwood Trail

Mark Vogel, 81 Newberry Lane

COMMENTS & QUESTIONS

None

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:47 P.M.

PUBLIC HEARING SCHEDULED FOR 9:00 P.M.:

At 9:48 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed increase of the home value "cap" from \$80,000 to \$120,000 for purposes of determining Veterans Exemptions, in the Town of Lancaster, New York

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS	ADDRESS
Irene Skretny.	16 Woodgate Drive, Lancaster
Milton Lang.	64 Stony Road, Lancaster

OPPONENTS	ADDRESS
None	

COMMENTS & QUESTIONS	ADDRESS
None	

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 10:10 P.M.

PUBLIC HEARING SCHEDULED FOR 9:15 P.M.:

At 10:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon income, in the Town of Lancaster, New York.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS	ADDRESS
None	

OPPONENTS	ADDRESS
None	

COMMENTS & QUESTIONS	ADDRESS
None	

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 10:14 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

RESOLVED, that the minutes from the Organizational Meeting and Regular
Meeting of the Town Board held on January 6, 1997 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 21, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend Section 7-2, (E) and (F) of Chapter 7, "Bingo", of the Code of the Town of Lancaster, as follows:

CHAPTER 7 - BINGO

§7-2. Regulations.

.....

E. No prize shall exceed the sum or value of two hundred fifty dollars (\$250.) in any single game of bingo, shall be amended to read as follows:

"E. No prize shall exceed the sum or value of one thousand dollars (\$1,000.) in any single game of bingo."

F. No series of prizes on any one (1) bingo occasion shall aggregate more than one thousand dollars (\$1,000.), shall be amended to read as follows:

"F. No series of prizes on any one (1) bingo occasion shall aggregate more than three thousand dollars (\$3,000.)."

.....

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the proposed amendments to Section 7-2 of Chapter 7, entitled: "Bingo" of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 24th day of February, 1997, at 8:45 o'clock P.M., Local Time and that Notice of the time and place of such hearing shall be published on February 13, 1997, in the Lancaster Bee, the official Newspaper of such Town and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

File: rbngrdh

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
(BINGO ORDINANCE)**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of February, the said Town Board will hold a public hearing on the 24th day of February, 1997, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following amendments to Section 7-2 (E) and (F), of Chapter 7, entitled "Bingo", of the Code of the Town of Lancaster, Erie County, New York:

CHAPTER 7 - BINGO

§7-2 Regulations.

.....

- E.** No prize shall exceed the sum or value of two hundred fifty dollars (\$250.) in any single game of bingo, shall be amended to read as follows:

"**E.** No prize shall exceed the sum or value of one thousand dollars (\$1,000.) in any single game of bingo."

and

- F.** No series of prizes on any one (1) bingo occasion shall aggregate more than one thousand dollars (\$1,000.), shall be amended to read as follows:

"**F.** No series of prizes on any one (1) bingo occasion shall aggregate more than three thousand dollars (\$3,000.)"

.....

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: ROBERT P. THILL
Town Clerk**

February 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, Joseph M. Stearns, d/b/a Advantage Trucks & Salvage, Inc.,
993 Ransom Road, Lancaster, New York 14086, has applied for a renewal license to conduct a
salvage yard on premises situate at 933 Ransom Road within the Town of Lancaster, pursuant to
Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review and
recommendation, and

WHEREAS, the Building Inspector, by letter dated December 2, 1996 has
notified the Town Board that he has completed his review and made a formal, favorable
recommendation thereto;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the renewal of the salvage
yard license for **Joseph M. Stearns, d/b/a Advantage Trucks & Salvage, Inc.,** 933 Ransom Road,
Lancaster, New York 14086 with the following condition made a part of the renewal and with the
provision that should this condition not be met, this Town Board shall revoke the license that is
hereby reviewed:

- Owner to provide land survey of property certified by licensed land
surveyor within sixty (60) days of date of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call,
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

File: rasalyds

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the Town policy regarding change orders on capital projects and finds the present policy deficient, and

WHEREAS, the Town Board deems it in the public interest to adopt a formal written policy with respect to such change orders,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts the following policy for all change orders on capital projects:

CAPITAL PROJECT

PROCEDURES FOR CHANGE ORDERS

1. Contractors, consulting engineers or consulting architects shall make a request for a change order in writing stating specifically the scope of work to be performed thereunder and the cost of such change order.
2. The written change order shall be presented to the Town consulting engineer, the Town Engineer and the Town Supervisor simultaneously.
3. The Town Engineer shall review the proposed change order and provide the Supervisor with an opinion as to the need for the change order and a recommendation on whether the proposed change order can be carried out by the Town of Lancaster employees rather than the outside contractor.
4. No work shall be performed relative to a proposed change order until such change order has been approved and authorized by the full Town Board.
5. Change orders may not be approved if the result of such change order is the expenditure of funds beyond the estimated maximum cost of the project as set forth in the bond authorization heretofore adopted by the Town Board for the project.,

In the event that a change order or orders would result in expenditure beyond the estimated maximum cost of the project, the bond authorization must first be amended before the Town Board can authorize such change orders.

6. This policy shall apply to all capital projects undertaken by the Town of Lancaster and includes any change in a contract sum including but not limited to contractor bid prices, consulting engineering or consulting architectural fee estimates.

In the area of consulting engineering or consulting architectural estimated fees, the estimate shall be deemed to be the fee for the project and cannot be changed without submittal and review as set forth herein.

7. This policy shall be appended and made a part of all bid specifications produced for capital projects undertaken by the Town of Lancaster.
8. This policy shall take effect immediately upon adoption by the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

File: rchgopol

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPLIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and
Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of
local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of
Lancaster deems it in the public interest to regulate communications towers in the Town of
Lancaster, and

WHEREAS, the Town Board has proposed Local Law No. 1 of 1997, entitled
"Communications Towers", and further designated as ARTICLE VII-A of Chapter 50 - Zoning,
Sections 50-41.1 to 50-41.12 of said Code, which reads as follows:

ZONING ORDINANCE
CHAPTER 50
ARTICLE VII-A
COMMUNICATIONS TOWERS

Proposed
LOCAL LAW NO. 1

Of the Year
1997

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY ENACTING ARTICLE VII-A, COMMUNICATIONS TOWERS, TO CHAPTER 50 ZONING, WHICH ARTICLE DEFINES AND REGULATES TOWERS AND SHALL BE ENTITLED, "LOCAL LAW NO. 1 OF THE YEAR 1997" AND DESIGNATED AS ARTICLE VII-A OF CHAPTER 50-ZONING OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

ARTICLE VII-A - COMMUNICATIONS TOWERS
(Section 50-41.1 to Section 50-41.11 Inclusive)

- §50-41.1 Legislative Intent.**
- §50-41.2 Definitions.**
- §50-41.3 Co-Locating Antennas on Existing Structures.**
- §50-41.4 Communications Towers in Industrial
 And Manufacturing Districts.**
- §50-41.5 Communications Towers in Other Districts.**
- §50-41.6 Special Use Permit Requirements.**
- §50-41.7 Height.**
- §50-41.8 Procedure.**
- §50-41.9 Exemptions.**
- §50-41.10 Waivers.**
- §50-41.11 Fees**
- §50-41.12 When Effective.**

§50-41.1 Legislative Intent.

The Town of Lancaster recognizes the increased demand for wireless communications transmitting facilities and the need for the services they provide. Often, these facilities require the construction of a communications tower. The intent of this Local Law is to protect the Town's interest in properly siting towers in a manner consistent with sound land use planning, while also allowing wireless service providers to meet their technological and service objectives.

§50-41.2 Definitions.

- A. **COMMUNICATIONS TOWER** - A structure designed to support antennas. It includes without limit, free-standing towers, guyed towers, monopoles, and similar structures which employ camouflage technology.
- B. **ANTENNA** - A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PCS) and microwave communications.
- C. **ACCESSORY STRUCTURE** - An accessory facility or structure serving or being used in conjunction with a communications tower, and located within one hundred (100) feet of the communications tower. Examples of such structures include utility or transmission equipment storage sheds or cabinets.

§50-41.3 Co-locating Antennas on Existing Structures.

Antennas may be added or attached to existing communications towers, water tanks, buildings or structures in any district, upon the issuance of a building permit. Accessory Structures shall be similarly permitted when located within one hundred (100) feet of such existing structures.

§50-41.4 Communications Towers in Industrial and Manufacturing Districts.

Communications Towers and accessory structures shall be permitted in any of the following high-intensity use districts upon the issuance of a building permit: LI-Light Industrial; GI-General Industrial; and SGA-Sand, Gravel and Aggregates.

§50-41.5 Communications Towers in Other Districts.

Communications towers and accessory structures are permitted in districts other than those identified in §50-41.4 above only upon the issuance of a Special Use Permit by the Town Board, as set forth in §50-41.6 below.

§50-41.6 Special Use Permit Requirements.

Prior to the issuance of a Special Use Permit for a communications tower by the Town Board, the following requirements shall be addressed by the Planning Board and the Planning Board shall make a recommendation to the Town Board:

- A. **Application and Site Plan** - All applicants for a tower special permit shall make written application to the Planning Board. The application shall include a site plan setting forth specific site data on a map, acceptable in form and content to the Planning Board, which shall be prepared to scale and in sufficient detail and accuracy and which shall show the following:
 - (1) The location of property liens and permanent easements.
 - (2) The location of the communications tower, together with guy wires and guy anchors, if applicable.

- (3) A side elevation or other sketch of the tower showing the proposed antennas.
- (4) The location of all structures on the property and all structures on any adjacent property within ten (10) feet of the property lines, together with communications tower.
- (5) The names of adjacent landowners.
- (6) The location, nature and extent of any proposed fencing and landscaping or screening.
- (7) The location and nature of proposed utility easements and access road, if applicable.
- (8) The maximum height of the proposed tower.

B. Preference for Higher-Intensity Use Districts - The Town Board may express a preference that the proposed facility be located in a higher intensity use district or on higher intensity use property, provided there is a technologically feasible and available location. A guideline for the Town Board's preference, from most favorable to least favorable districts/property, is as follows:

- (1) Property with an existing structure suitable for co-location.
- (2) LI - Light Industrial; GI - General Industrial; SGA - Sand, Gravel and Aggregates.
- (3) Municipal or governmentally owned property.
- (4) NB-Neighborhood Business; GB-General Business; CMS-Commercial and Motor Service; SC-Shopping Center and RCO-Residential Commercial Office districts.
- (5) Residential districts.

C. Aesthetics - In order to minimize any adverse aesthetic effect on neighboring residences to the extent possible, the Town Board may impose reasonable conditions on the applicant, including the following:

- (1) The Town Board may require a monopole or guyed tower (if sufficient land is available to applicant) instead of a freestanding communications tower.
- (2) The Town Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the communications tower and/or to screen the tower to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.
- (3) The Town Board may require the applicant to show that it has made good faith efforts to co-locate on existing towers or other available and appropriate structures and/or to construct new towers near existing towers in an effort to consolidate visual disturbances.

- (4) Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Towers shall be painted a galvanized finish or matte gray unless otherwise required by the FAA.
- (5) No tower shall contain any signs or advertising devices.

D. Radio-Frequency Effects - The Town Board recognizes that federal law prohibits the regulation of cellular and PCS communications towers based on the environmental effects of radio frequency emissions where those emissions comply with FCC standards for those emissions. The Town Board may, however, impose a condition on the applicant that the communications antennas be operated only at Federal Communications Commission (FCC) designated frequencies and power levels.

E. Traffic, Access and Safety

- (1) A road turnaround and one parking space shall be provided at the tower site to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
- (2) All communications towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight (8) feet in height or otherwise sufficiently protected from trespassing or vandalism.
- (3) The applicant must comply with all applicable State and Federal regulations, including but not limited to FAA and FCC regulations.
- (4) The tower must be set back a minimum of the height of the tower from all property lines and any existing building for a fall zone.
- (5) The applicant shall agree to remove the tower if the telecommunications facility becomes obsolete or ceases to be used for its intended purpose for twelve consecutive months.

The Town Board shall require the applicant to provide a demolition bond (in an amount determined by the Town Board based on the cost of removal) for the purpose of removing the telecommunications facility in case the applicant fails to do so as required above.

§50-41.7 Height.

Communications towers permitted under this chapter shall be exempt from the height limitations otherwise applicable in the district in which they are located.

§50-41.8 Procedure.

Upon receipt of a completed application, the Town Board shall hold a public hearing and shall comply with all of the requirements of Town Law § for the approval of special use permits. The Town Board shall review the application for compliance with the provisions of this Chapter and shall determine that the location of the proposed communications tower is in accordance with the principles and requirements stated herein.

§50-41.9 Exemptions.

- A. Communications tower and antennas may be repaired and maintained without restrictions.
- B. Antennas used solely for residential household television and radio reception.
- C. Satellite antennas measuring 2 meters or less in diameter regardless of location.

§50-41.10 Waivers.

The Town Board may waive or vary any requirements in this Local Law for good cause shown.

§50-41.11 Fees.

See Chapter 30, Page 3001, of the Town Code.

§50-41.12 When effective.

This Local Law shall take effect upon filing with the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 1997 entitled "Communications Towers" and further designated as ARTICLE VII-A of Chapter 50-Zoning, Sections 50-41.1 to 50-41.12 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 24th day of February, 1997, and that Notice of the time and place of such hearing shall be published on February 13, 1997 in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof;

2. In accordance with §239-m of the General Municipal Law, the Town Clerk is hereby directed to notify the Erie County Department of Planning and the Towns of Alden, Amherst, Cheektowaga, Clarence, Elma, Marilla, Newstead, and West Seneca of the purpose and time and place of this public hearing; and

3. That the Town Clerk is hereby directed to make copies of this proposed Local Law of the Year 1997, entitled "Communications Towers", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

File: rloclaw.197

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted February 3, 1997, the said Town Board will hold a Public Hearing on the 24th day of February, 1997, at 8:30 o'clock P.M. Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 1997, entitled "Communications Towers" and further designated as ARTICLE VII-A of Chapter 50-Zoning, Sections 50-41.1 to 50-41.12 of the Code of the Town of Lancaster, briefly described as follows:

"A Local Law which regulates the construction of communications towers in the Town of Lancaster and protects the public's interest in properly siting towers in a manner consistent with sound land use planning, while also allowing wireless service providers to meet their technological and service objectives."

A complete copy of the proposed Local Law of the Year 1997, entitled: "Communications Towers" and further designated as ARTICLE VII-A of Chapter 50-Zoning, Sections 50-41.1 to 50-41.12 of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: ROBERT P. THILL
Town Clerk**

February 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, ROBERT J. GIROUX, a laborer in the Parks, Recreation and Forestry Department, by letter dated January 14, 1997, has requested permission to carry over his 56 hours vacation time accrued which he cannot take by his anniversary date of February 3, 1997 due to reasons cited in his letter, and

WHEREAS, the Town of Lancaster White Collar Unit of Local 815 has indicated no objections to the granting of this request,

NOW, THEREFORE, BE IT

RESOLVED, that **ROBERT J. GIROUX**, a laborer in the Parks, Recreation and Forestry Department, shall be permitted to carry over his fifty-six (56) hours 1996 vacation time to his 1997 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

FILE: RPERS.VAC

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK. TO WIT:

WHEREAS, heretofore the Erie County Water Authority (Authority) entered into an Agreement with the Town Board of the Town of Lancaster, acting as Water Commissioners for the Lancaster Consolidated Water District, and

WHEREAS, said Agreement has expired according to its terms, and

WHEREAS, it is the desire of the Authority and the Town Board of the Town of Lancaster, acting as Water Commissioners, to execute a renewal Agreement for the sale and distribution of water to consumers in the abovementioned district, which shall commence upon date of execution and expire December 31, 2006, and which the Town Attorney has reviewed and found acceptable, and

WHEREAS, it is in the public interest to renew said Lease-Management Agreement for said Lancaster Consolidated Water District, for the term hereinbefore referred to;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster, acting as Water Commissioners for the Lancaster Consolidated Water District, hereby elects to enter into a renewal Agreement for the term commencing upon date of execution and terminating December 31, 2006, upon the terms and conditions as contained therein, and
2. That the Town Attorney is hereby directed to forward a certified copy of this resolution to the attention of Mark Fuzak, Associate Counsel.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

RESOLVED, that Condition No. 2 contained in the resolution adopted by the Town Board of the Town of Lancaster on January 6, 1996 as it relates to the renewal of salvage yard licenses for the year 1997 to Chester Haniszewski, d/b/a Ransom Auto Parts, 867 Ransom Road, Lancaster, New York 14086, Edward Haniszewski d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York 14086, and J. Renkas and Sons, Ind. D/b/a AJ's Auto Wrecking, 955 Ransom Road, Lancaster, New York 14086, be and is hereby amended to read as follows:

RESOLVED, that:

2. All cars or parts thereof shall be contained within the boundary line of the property defined in the survey provided in (1); the owner shall remove any cars or parts from property not owned by him as shown on the above survey within one hundred twenty (120) days of the date of this resolution, and

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has by previous resolution approved lease Agreements between the Town of Lancaster and Sprint Spectrum and Upstate Cellular Network (Frontier) respectively for the use of vacant and unimproved Town property for which the Town has no planned use, for the siting of communication towers by these providers for what the Town Board deemed fair consideration, and

WHEREAS, Town Law Sections 64 and 90 require that the Town Clerk post and publish a Notice of such adopted resolution;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Town Board of the Town of Lancaster hereby re-approves the lease of Town owned property known as Hayes Avenue, S.B.L. 115.09-2-30 (a paper street) to Sprint Spectrum for valuable consideration and further approves the lease of town-owned property south of Penora Street, known as S.B.L. 115.18-2-20 to Upstate Cellular Network for valuable consideration and authorizes the Supervisor to execute said leases; and

2. The Town Board hereby directs the Town Clerk of the Town of Lancaster, to publish and post a Notice setting forth the date of adoption of this resolution which shall contain an abstract of the resolution and specifying that the resolution is subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

File: ractwrs.297

**LEGAL NOTICE
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that on February 3, 1997, the Town Board of the Town of Lancaster, in the County of Erie, New York, adopted a resolution approving the leases of vacant and unimproved Town-owned property for which the Town has no planned use and known as Hayes Avenue, S.B.L. 115.09-2-30 (a paper street) to Sprint Spectrum and S.B.L. 115.18-2-20 south of Penora Street to Upstate Cellular Network (Frontier) for siting of communication towers for what the Town Board deemed to be fair consideration; an abstract of which resolution, concisely stating the purpose thereof, is as follows:

BE IT RESOLVED,

1. That the Town Board of the Town of Lancaster hereby re-approves the lease of Town-owned property known as Hayes Avenue, S.B.L. 115-09-2-30 an unimproved paper street to Sprint Spectrum for valuable consideration; and further re-approves the lease of Town-owned property which is vacant and unused south of Penora Street, known as S.B.L. 115.18-2-20 to Upstate Cellular Network for valuable consideration and authorizes the Supervisor to execute said leases.

2. This resolution is subject to a permissive referendum.

Dated: February 3, 1997

ROBERT P. THILL
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, the Crew Chief of the Department of Parks, Senior Facility, and
Buildings and Grounds of the Town of Lancaster has requested the Town Board to advertise for
bids to furnish New 1997 SCAG STHM TRACTOR REAR STEER 72" RIDING LAWN
MOWER for use by said Department, and

WHEREAS, the Parks and Recreation Committee of the Town Board has
approved such request:

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made a part
hereof, be published in the Lancaster Bee and posted according to Law, that the Town will
receive bids up to 10:00 o'clock A.M. Local Time, on March 3, 1997, at the Town Hall, 21
Central Avenue, Lancaster, New York, for the furnishing of One (1) New 1997 SCAG STHM
TRACTOR REAR STEER 72" RIDING LAWN MOWER for use by the Department of Parks,
Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with
specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

File: rrecbds.1

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 3rd day of March, 1997, for furnishing to the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, New York, One (1) New 1997 SCAG STHM TRACTOR REAR STEER 72" RIDING LAWN MOWER for use by the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in an amount representing five (5) per cent of the "Gross Bid" payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: ROBERT P. THILL
Town Clerk**

February 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 12172 to Claim No. 12382 Inclusive

Total amount hereby authorized to be paid: **\$720,887.41**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK , WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER MONTOUR , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
3949	KAZ Bros Const	59 Running Brk Dr	Ex. Sin. Dwlg
3950	Regency Homes	51 Michael's Wlk	Er. Sin. Dwlg
3951	Michael Reese	21 Ryan St	Inst. Fence
3952	Kevin Hines	14 Quail Hollow	Er. Fence
3953	Robert Lyons	13 Westbury Ln	Er. Fence
3954	Forbes Homes Inc	1 Hill Valley Dr	Er. Sin. Dwlg
3955	Forbes Homes Inc	146 Siebert Rd	Er. Sin. Dwlg
3956	Burke Bros Inc	30 Clermont Ct	Er. Sin. Dwlg
3957	Marrano/Marc Equity	35 Bentley Cir	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 3, 1997

COMMUNICATIONS:

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60. ECDEP to Dep. Town Attorney -
Results of SEQR review re: George O'Neil rezone petition. DISPOSITION: Planning and Zoning Committee
61. CSEA Town of Lancaster White Collar Unit to Town Board -
Notification of union's approval of carry over vacation time for Ernest Gainey. DISPOSITION: Received and Filed
62. DCO to Town Board -
Recommend increase in fees for dog licenses and redemptions. DISPOSITION: Public Safety Committee
63. DCO to Town Board -
Report of Dog Control activities for 1996. DISPOSITION: Received and Filed
64. Bowmansville V.F.A. to Town Board -
List of 1997 officers. DISPOSITION: Received and Filed
65. County Dept. of Personnel to Appointing Authorities -
Section 61(3) NYS Civil Service Law Policy Clarification re: appointment from list. DISPOSITION: Received and Filed
66. Planning Board to Town Board -
Meeting agenda for 2/5/97. DISPOSITION: Public Safety Committee
67. DCO to Town Board -
Request amendment to Town Dog Ordinance re: invisible fences. DISPOSITION: Received and Filed
68. Disaster Coordinator to Supervisor -
Request funding for training simulator board for use by Town and villages of Depew and Lancaster. DISPOSITION: Received and Filed
69. Benderson Development to Supervisor -
Notification of withdrawal of request for approval to be an out-of-district (ECSD #4 to ECSD #5) sanitary sewer user for retail building - Intersection of Transit Rd. And Wehrle Dr. DISPOSITION: Received and Filed
70. AIM Corrugated Container Corp. To Purchasing Dept. -
Request being put on bid list for corrugated products. DISPOSITION: Received and Filed
71. Disaster Coordinator to Supervisor -
List of 1996 activities. DISPOSITION: Received and Filed
72. Public Employer Risk Management Association to Supervisor -
Executed agreement. DISPOSITION: Received and Filed
73. Varnum, Riddering, Schmidt & Howlett, LLP to Supervisor -
Prospectus re: model cellular/PCS Zoning Ordinance. DISPOSITION: Received and Filed
74. North Start Construction Inc. to Supervisor -
Request being put on bid list re: Town Hall and Opera House alterations. DISPOSITION: Town Engineer
75. NYSDEC to John Scherlein -
Comments re: state and/or federal wetlands - AHEPA #91 Senior Citizens, HUD 202, Belmont Shelter 202 Building off North Maple Dr. DISPOSITION: Received and Filed
76. Council Member Montour to Planning Board Chairwoman -
Recommendations re: R. J Corman Company/Material Storage Yard. DISPOSITION: Received and Filed
77. Council Member Montour to Planning Board Chairwoman -
Recommendation re: Schmitt's Garage Inc. Rezone. DISPOSITION: Planning and Zoning Committee
78. General Crew Chief to Supervisor -
Request for approval of bid purchase of lawn mowing equipment. DISPOSITION: Supervisor

79. President CSEA White Collar Union to Supervisor -
Approval of request from Robert Giroux' letter dated January 14, 1997. DISPOSITION: Received and Filed
80. Supervisor to Deputy Town Attorney -
Comments and recommendations re: proposed local law regarding cellular tower legislation. DISPOSITION: Received and Filed
81. Attorney Peter Vinolus to Town of Lancaster -
Response to Town's Notice of Appeal re: AHEPA 91, Inc. DISPOSITION: Received and Filed
82. Council Member Montour to Town Clerk -
Concerns re: salvage yard resolution 1/21/97. DISPOSITION: Received and Filed
83. Town Line V.F.D. to Planning Board Chair. -
Comments re: Jiffy-Tite Co. site plan. DISPOSITION: Received and Filed
84. Thomas Brachko, Cerritos, CA to Town Board -
Request support of Official English Senate Bill 356. DISPOSITION: Received and Filed
85. Village of Lancaster D.P.W. to Supervisor -
Notice of new stops signs at Pleasant Ave./School St. and Court St./Erie St.
DISPOSITION: Received and Filed
86. Building/Zoning Inspector to Richard Abadasz, 570 Ransom Rd. -
Comments re: Bryan Sinclair dumping permit. DISPOSITION: Received and Filed
87. American Re-Fuel to Highway Supt. -
Notice of expansion of acceptable waste criteria. DISPOSITION: Received and Filed
88. NYSDEC to Pine Hill Materials Corp. -
Notice of renewal of mining operation permit for Burkhardt Bank. DISPOSITION: Received and Filed
89. Michael Martin, 42 Whitestone Ln., to Supervisor -
Questions with request for response re: Lancaster-Depew Little League's operation.
DISPOSITION: Town Attorney
90. NYS Div. Of Criminal Justice Services -
Invitation to meeting to be held 2/25/97 in Albany re: pilot program titled "Youth Court and Community Sanctions Program". DISPOSITION: Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER, AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:15 P.M.

Signed

Robert P. Thill

Robert P. Thill, Town Clerk